

**Public Meeting
Town of Superior
Regular Council Meeting
Thursday, February 2, 2012-7:00 P.M.
Superior Senior Center
360 W. Main Street, Superior, AZ 85173
MINUTES**

A. CALL TO ORDER

Mayor Valenzuela called the meeting to order at 7:05 p.m.

B. SALUTE TO THE FLAG

Mayor Valenzuela led the salute to the flag.

C. OPENING PRAYER

Council Member Chris Tomerlin led the opening prayer.

D. ROLL CALL

Present: Council Members Hank Gutierrez, Chris Tomerlin, John Tameron, Gilbert Aguilar, Soyla “Kiki” Peralta, Mayor Jayme Valenzuela, Vice Mayor Olga Lopez

E. CONSENT AGENDA

1. Approval of minutes for the regular meeting of January 19, 2012 and special meeting of January 23, 2012.

MOTION: Vice Mayor Lopez moved to approve the minutes. Council Member Aguilar seconded.

VOTE: The motion carried unanimously.

F. COMMUNICATION

1. Manager report—Interim Town Clerk Rita M. Wentzel (agendized as “Interim Town Manager,” which Ms. Wentzel explained was a typographical error)

Update regarding the Magma Club—CAAG Regional Council Meeting & Home Tour Weekend: Ms. Wentzel thanked the council for her appointment. She reported that the CAAG Regional Council Meeting had been held at the Magma Club on January 25. Ms. Lopez, Ms. Peralta and Mr. Jed Lant and his crew worked hard to get the facility ready. There was a lot of positive feedback. It was a great trial run and was also open for the Home Tour weekend. They had encountered some difficulties that Mr. Lant was taking care of but the overall vision was of a great event and was positive.

Update regarding the Resolution Copper Company \$100,000 urgent needs funding: The Town received a check. Ms. Wentzel thanked Mr. Bruce Richardson because he called her on the 23rd and she picked it up. They immediately put it in the bank and spent the money. They paid current liabilities from the payroll that had accumulated but they hadn’t had enough money to pay. They made sure that all the employees’ taxes, health insurance benefits, retirement and anything affiliated with payroll was brought up to date. The second thing they did was pay some things on the Magma Club that they needed to pay to get reimbursement from the grant. The third thing was pay outstanding bills. It didn’t go as far as they would like for it to as all they could accomplish was paying August and September bills. Immediately thereafter they got the next item on the agenda, the CAP \$54,000 allocation. That was a little more than anticipated because of interest. They used that money

to pay a portion of the Republic Services' outstanding bills as well as all the October outstanding invoices. They made payroll and got some additional cash from franchisees and some additional revenues and paid half of November's outstanding bills as well as the new payroll liability due at the end of the month. At that point they only had one outstanding liability: Blue Cross/Blue Shield Health Insurance and it was not due until the following week. They will attempt to bring that current next week as well as finalize everything in November and start working on December. They are making progress and that is only because the departments are not spending any money, limping along, and she wanted to commend them and thank everybody as it has been a difficult process but once they get caught up life will be easier.

Update regarding the CAP \$54,000 allocation: Ms. Wentzel reported on this in the previous item.

Update regarding administrative assistant position for the front desk: Ms. Wentzel said the job opening closed January 27. Twenty-one applications had been received. Applicants were sent to the library and Ms. Campos was thanked for giving tests for typing and 10-key skills. Everyone will have finalized their testing by Friday and will be evaluated as to who will continue in the process and be interviewed. There is an interview team of Ms. Wentzel, Kathryn Arnold and Olga Lopez. It is a part-time position but if the person is outstanding, after a few months they may be moved into full-time. Not on the agenda, they have opened the position for accounts payable clerk and this will be posted for two weeks, ending February 17.

Update on liquor license for My Friends Tavern at 695 W. Main Street: Ms. Wentzel said they had received this renewal application and it had been posted on the window. It must be posted for 21 days before council can act. It came in two days late to be able to be on the next agenda so will be on March 1.

Update on transfer station Request for Proposals: Ms. Wentzel said this was on her to do list.

Comments (not agendized): Ms. Wentzel commented that there was an article in the Copper Country News about Superior. She said it was not a bad article but used the wrong last name for the former town manager. She had called the reporter. Also at the last meeting the mayor had referenced the Arizona Trail Dream Come True celebration to be held Saturday, February 4, in Tempe. The notice of quorum was posted since the mayor invited the council members. Mila Lira would be going on behalf of the Lost Trail. There were tickets available. She asked the mayor and vice mayor if they had any communications and they said no.

2. Public Works/Streets/Sanitation Report—Public Works Director Jed Lant

Update on Sewer Event January 27, 2012: Mr. Lant reported theft of a manhole cover at the rest area about January 27 and a backpack assumed to be stolen was put in the manhole. This caused the sewer to overflow. He notified his supervisor, the police department and plant operator. Pictures were taken, granulated chlorine cast on the spill and debris cleaned. ADEQ was notified within 24 hours. Council Member Tameron inquired about the cost of manhole covers and there was a general discussion of this. Mayor Valenzuela noted another manhole was also missing in the area where reclamation was being done. He asked Mr. Lant to look into it and cover it. He asked Mr. Lant what he was going to do with sewer lines at the Magma Club as it seems to be an issue with backing up each time they used it. Mr. Lant said they had pulled roots and called someone with a snake. Mayor Valenzuela recalled Mr. Lant had said he wanted to get someone out with a camera to see if the line was collapsed anywhere. Mr. Lant agreed that is the right way to do it. Mayor Valenzuela said he would recommend looking into the cost of it and discussing with Ms. Wentzel. They are going to be renting the building out and maybe holding more CAAG meetings there. He asked if the pipes were never addressed in the planning and Mr. Lant said no, it was not in the scope. Council Member Gutierrez asked if the town itself issued the Certificate of Occupancy and someone responded in the affirmative. Secondly, he was there during the home tour and it got a lot of compliments but he was

watching the elderly going down the steps. Hand rails were seriously needed on both sides of the steps. They were precarious if not using ADA access. You have individuals in the middle between ADA and non-ADA. Mr. Gutierrez said from a point of liability they needed to get sturdy handrails up there. Ms. Wentzel said that is on the list of things to do. There is a comprehensive list. Funding is going to be the issue because they had spent all the grant money but they would work on it. Mayor Valenzuela said a handrail might be a project someone would like to donate. Mayor Valenzuela also asked about progress on contacting the gentleman doing the website and putting the building permit and review process on the website. He said the information should be put on and also they had talked about putting it in the paper. It would be good information to put on the site and also animal control once that is approved by the countyboard. He would also like to see an area on the website under public works for people to notify the department through email so they can track it when they have an issue that needs to be done like cleaning an alley.

Update on OSHA—SW Risk safety requirements for street crew/inmates: Mr. Lant said he contacted OSHA on January 20, 2012 and also Southwest Risk regarding safety gear for weed eating. At the present time there is no rule pertaining to weed eating. In talking to OSHA it turns out that the manufacturer's manual is basic, just recommendations. He said Superior's safety glasses specifically meet the OSHA requirement. Also from SW Risk, they will have a sign-in sheet that holds an individual responsible for not wearing safety glasses. Their recent safety meeting was on this. This is ongoing. They are making progress. Mr. Tameron said he had seen inmates without glasses/shields of any kind the other day using the weed eater and blower. Mr. Lant said the meeting they had on this Wednesday everyone was asked if they had everything they needed and told they all must wear their safety glasses. Since that time he has seen everyone wearing their glasses and goggles over their glasses. He feels they have improved but still have a way to go. He is looking at having sign-in sheet meetings looking at what they are required to do. They will work on it.

Update on Magma Hotel: Mr. Lant said an architect has submitted a plat for approval. It will go to P&Z February 23 and then on March 1, to the Town Council.

G. CALL TO THE PUBLIC:

Brenda Farthing: Just moved back after 30 years. Advised council of allegation of excess force by the police regarding an incident with her relative.

Mayor Valenzuela: Requested Chief of Police Lou Digirolamo explain the complaint process. Chief Digirolamo said they have a sheet to fill out. She had filled one out. This would be forwarded to the supervisor, and then depending on the findings, to his office for discipline if there is any or if it is unfounded or not sustained, the complaineer would be contacted. Mayor Valenzuela said he just wanted to let the public know there is a process and her comments would not go unheard.

Council Member Tameron: Welcomed her back to Superior as he remembered her as a child.

Leslie Martin: Thanked everybody on behalf of Superior Chamber of Commerce for being at the Home Tour. The mayor and some of the council were there. They appreciated it and what a great, great home tour they had. They had in excess of 800 people and all the restaurants and shops were busy. They are looking for vendors for the mining festival and miners to compete.

Mayor Valenzuela: Thought the home tour was a great turnout. He asked about the history. Are the vendors who come in required to get a permit? He wanted to know how they track the tax. Does it stay in town? How are they tracking revenue? Attorney Wencker said matters brought to the call to the public are not subject to further action by the council. Mayor Valenzuela said they would put it on for next time.

Yvette Gonzalez, Adrienne Hernandez and Cathy Denogean: Gave information on the cancer walk fundraising event that will take place in March. The FCCLA at the school will be raising funds for the

American Cancer Society. There will be luminarias. The theme is to celebrate for survivors in remembrance for those who were loved and lost and to fight back for those who are fighting cancer.

Sonnie Sansom: Said the Chamber was doing quite a job. In the past year the alarm has been set off at his place six or seven times and one of the police officers even told him that the wind was doing it. This last time the wind brought a crowbar. Building inspections and animal control are turned over to the county. Traffic is Redflex. From what he understood Sheriff Joe is probably going to be looking for a job. Maybe they could get him up there to roust out these thieves and drug houses. Manhole covers are disappearing. Next it'll be the catalytic converters. Re High School property, it was not awarded to the highest bidder. It was awarded to another bidder because he said he'd put a laundromat there. The zoning for town center does not allow a laundromat. So in his estimation, that award was illegal. He thought they should rebid. Re Main Street property, it sits in the creek. He doesn't know if anyone will ever get a building permit there. He thinks all these things should be disclosed under Arizona law. These properties are being advertised and sold by a realtor company and full disclosure is not put out there.

Larry Jochai: Commented re the transfer station that he had tried to assume responsibility for the area by the fence they had addressed. He believed before the next council they would be pleased with the improvement. He would like to volunteer to do the handrail at the Magma Club. He is familiar with the codes. He has the material and expertise to bring that up to code.

Sue Anderson: Wanted to publicly thank Jed Lant and his crew for what they did above and beyond to help with the Home Tour.

David Nesbitt: Said he works for town part-time. Between their police department, their public works department, their fire department, they try to do the best they can do. They are so limited that some of them are working overtime they don't put in for. People think they just drive up and down the street. That is not true. They are going from one place to another. They are trying to do their best for the citizens.

H. BUSINESS, POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

1. Discuss/Approve/Reject: Letter of Support for the Resolution Copper Land Exchange Legislation being introduced and heard in the Senate Subcommittee on February 9, 2012

Ms. Wentzel said the recommendation is to draft a letter of support. She introduced Bruce Richardson, Resolution Copper Community Manager of Public Affairs, who thanked the council and said he was there to ask for their support for drafting a letter. The hearing is in Senate Committee on Energy & Natural Resources. This was a hastily called meeting and they only heard of it a few days ago and wished they had had more time. It was important to show the support they knew they had in the community and in Arizona so they can get that to Washington as a part of the testimony. He thought they were all aware the land exchange bill passed the House October 26.

Mayor Valenzuela asked regarding the past letters, were they just looking for a new one? Mr. Richardson said it has been a long time. It is a new council, a new day, so they respectfully ask for that. An ideal situation would be to have a resolution but there was no time.

MOTION: Council Member Peralta moved to have staff draft the letter of support for the Resolution Copper Land Exchange Legislation. Council Member Aguilar seconded.

Mayor Valenzuela he would entertain some questions. He recognized Henry Munoz, former council member and 4th generation miner. Mr. Munoz said he has never been against the project but his concern was to move slowly and cautiously as water is a big issue. He hopes they can move forward with the project. He presented materials for their review on a Safford land exchange (San Juan Dos Pobres). He said it entailed a NEPA study, Safford approved it once it was completed and they went ahead with the project. One of the main concerns was a safety issue in dealing with water.

He also thanked council for doing a great job with the budget. They were moving ahead and it was looking good. Re the Home Tour, he was at the gas station the other day and a couple of people asked him if he was from Superior and he said he was born and raised there and they said he had a beautiful community. He hopes they can keep it that way.

He discussed bottled water; 8.6 billion gallons are sold every year. He gave a number of details on water issues in the state, including uranium contamination in the Grand Canyon, a Florence project put on hold, the Superstition Vistas project. What they are looking at now is they are in the middle. They have to secure the water supply. NEPA would answer the questions on water and environment.

Mayor Valenzuela recognized Roy Chavez, lifelong Superior resident, served on the council and several terms as mayor and several years as town manager. Mr. Chavez said the issue has been going on for 14 years. All of them were very appreciative that mining was coming back. It has been a long process with the legislation introduced several years ago. His concern now as chairman of the Concerned Citizens and Retired Miners has never been to go against the mining industry. It is the cornerstone and lifeblood of the community and they all know that.

He said they have been watching the legislation. There are some issues not addressed in the current bill. This legislation introduced by Representative Gosar is much worse than the legislation introduced seven years ago by Representative Renzi. This says that NEPA will be put in place once they own the land. That is way too late. The whole southwest region is in a drought. There are some genuine concerns about that and the projection of mining operations and production is still 10 years away even if they have the land. So the jobs, the economy, those are good things to say but a mining operation map is needed. He discussed the pile-up on the old dumpsite going to the Silver King mine. It is identified in the paperwork. They are going to increase the stockpile and they can do that. They don't have a problem with that because that is their land. They have had 100 years of mining in the community and the waste on the surface was minimal compared with what they have today because they placed the waste material down underground. That is not what is going to happen. They are going to take out the size of Picket Post, take out the ore, and it is also gold and silver and molybdenum, and the waste byproduct that will be about 75-80 percent left is going to have to go somewhere on the surface. They don't have those numbers because they have no mining operation plan. He knows the support is fantastic in the community and the region because they all support the industry. He guarantees Mr. Cherry does not live in Superior or most of the management people working for Rio Tinto and BHP. "We live in Superior," Mr. Chavez said, "and we want jobs."

He said they have been building on ecotourism but on the other hand they are going to let go of one of the most beautiful, pristine campsites in the world. He showed them a geological survey map of Superior and Pinto Valley with Oak Flat campground in between without any markings on it and surrounded by claimed mining land. He said this is allowed by the Mining Law of 1872 that has never been amended or addressed in Congress. This is not a dream. It is a fact. The highway runs through the middle. They can see the land that has no claims on it is the Oak Flat campground. That is because by executive order of President Eisenhower in the 1950s he made sure that was protected and it was reaffirmed in 1971. There was a reason for that. The mine had everything else.

He said he was not sharing with them that they are against jobs. He knows President Obama is not against jobs but this is not the time to throw the baby out with the bath water, especially for foreign interests. He shared opinion surveys that said 75 percent of people in Arizona now would rather see preserving the environment over industrial or corporate gain to the detriment of the land. Most people would rather see recreational services and programs. They just experienced that this last weekend and later this month are celebrating the trail. But on the other hand they are letting go of the most pristine land. They are just asking for these issues to be addressed. That is all they are asking for. They are not opposed to the project. He will be back with more information. The map is not from the Concerned Citizens it is an actual geological map. He thanked them for their time.

Town Attorney Christopher Wencker said there was a motion pending regarding direction to staff. He asked for specification in general terms what the letter should say. Council Member Tameron asked the attorney if it would be a good idea for the letter to be forwarded to him for his review. Attorney Wencker said that would be his expectation that he would get the direction from council that evening as to what the letter should say and that he would get the proposed draft and see that the language is included in that so it said what they want it to say as obviously this is the council acting on behalf of the town addressing Congress. Mr. Tameron asked if all that would be taking place before Monday and Attorney Wencker answered in the affirmative. Council Member Gutierrez said they needed to emphasize the jobs already created for local people. They had to focus on the jobs, focus on the fact that it is part of their total economic development strategy, part of their three components of their vitality: mining, ecotourism and botanical research down at the Arboretum, and that they understand there is a NEPA process they are going to have to go through.

Attorney Wencker said it had been brought to his attention that there may be some conflicts of interest from members of the council. If they have a substantial interest in the subject matter being discussed they can recuse themselves. Vice Mayor Lopez and Council Members Gutierrez and Tameron declared conflicts of interest.

Mr. Richardson said if they would ask him what he would put in that letter, it would be a listing of the things just talked about, the economic impact, their desires and expectations of what they would be doing from an environmental standpoint, maybe an acknowledgement of having performed a fair amount of work, the money spent in reclamation at the West Plant, and the jobs that have already been created in the community. He said he had good news for Mr. Munoz and Mr. Chavez. The environmental studies that everyone expects will be performed. From day one of the project it has been stated publicly by the company that they would go through a NEPA process regardless of what happens in legislation; this project would go through a full environmental review along with all the other regulations. He thought it wise to somehow acknowledge that in the letter.

Mayor Valenzuela asked Ms. Wentzel if she had gotten that and said she could work with Mr. Richardson. He asked if anyone else had any comments. He said this is something that has been on the table in the community and they are going to tackle it, address it and deal with it as a council and as a community. He said as a community they see themselves moving forward with Resolution. As Mr. Chavez stated, they are not against the project at all. They have to watch out for the town of Superior also and that is why they are elected to be there is, to watch out for the town of Superior. The project is a good one and as he said when he ran for his position, he supports the project. But as a member of the community he also has concerns. He told Mr. Richardson he has seen some of the presentations they have made and they say there will not be concerns regarding the water issues in the future. But they want to address that. He wanted to sit down with Resolution and the council, not just one person sitting down and discussing the issues. He understands they are under a timetable now in getting the letter of support and doesn't think there will be any problems getting that. But they do want to know as a council they will address those issues of the NEPA study, the water and other environmental issues so they can know in the future they are not going to leave a mess for the community. They have been left with a bad taste with the last two mines that have been there. He has said for years and he might get in trouble for saying it, look around the community. What did those mines ever do for their community? What do they have that is something that is great, that is what the company left for them? What did they do for them? He told Mr. Richardson that Resolution had helped with Little League, donated money, done cleanups, things at the schools, and they appreciated those things. But there were bigger fish to tackle. In the short 18 months he has to serve as mayor he hopes to address those issues and show they do support the project. Mining is there to stay. They just want to make sure Superior is safe in the long run.

Council Member Aguilar asked about the motion. Attorney Wencker said it would be appropriate for Ms. Peralta to amend it to address a couple of specific issues he has heard: NEPA issues, quality of

water, general support for the project from the town, and perhaps economic impact. He took some notes and those were the four he recalled. He doesn't know if there were any that someone might like to offer. Mr. Aguilar asked if they could just amend it to say to get with Ms. Wentzel and work on the letter. The mayor said "direct staff to get with Mr. Richardson." It was discussed that whoever decides what was appropriate it would go to the attorney for review based on what he understands is the direction. The mayor said they have said what they want in the letter and support the project.

MOTION: Council Member Peralta amended her motion to include everything they had talked about. Council Member Aguilar seconded. **VOTE:** The motion carried 3-1 with Council Member Tomerlin opposed. Council Members Gutierrez and Tameron and Vice Mayor Lopez had previously declared conflicts of interest and recused themselves.

2. Discuss/Approve/Reject: Special Event License for the George E. Truman Post #3584 during the Apache Leap Festival March 9, 10 and 11, 2012

Ms. Wentzel said the George E. Truman Post had requested a special event license to open their bar and hold activities during the Apache Leap Festival. This year a portion of the proceeds would be donated to some of the local nonprofit organizations.

MOTION: Council Member Aguilar moved to approve the Special Event License. Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously.

3. Discuss/Approve/Reject: Filing of a Quiet Title for 85 N. High School Avenue property to clear the title and continue with the sale.

Ms. Wentzel explained the staff recommendation for filing the Quiet Title. At her request Town Attorney Chad Niven gave an explanation and recommendation regarding the term "Quiet Title." He said it is a resource or tool used to clear a bad title. In this instance there is a \$10,000 line of credit at Chase Bank. Due to work done by the previous town attorney, they were thinking this line of credit hadn't been fulfilled and it should be easy to get Chase to relinquish that line of credit and title. That has been unsuccessful. So barring any type of agreement with Chase, the Quiet Title is the only recourse. The cost of it depends. Notice has to be sent to all parties. It depends if they want to contest the title. He didn't foresee that. Perhaps the 20-day notice of filing the Quiet Title would get them to sign off on the property. The goal would be to get them to sign off on the line of credit. Other than that they would have to file for the Quiet Title, send notices, have hearings.

Mayor Valenzuela asked about alternatives. Attorney Niven said, "To clear the title, none." Mayor Valenzuela asked what happened if they take no action. Attorney Niven said then they can't sell the property. There was a general discussion of the details of this and whether the town had been diligent regarding a clear title.

Police Chief Lou Digirolamo, former deputy town manager, said he was here when the property was sold. It was a utility lien and went to a sheriff's sale. Nobody bought it and it reverted to the Town of Superior and they always knew there was a lien on the property, a \$10,000 line of credit. It does belong to the Town of Superior regardless of who has a lien on it.

There was further discussion including that the council had voted to sell it to Mr. Tameron, who was not on the council at that time. They had said to bring back a plan. He brought back a plan, was not the highest bidder. Council voted to award him the bid. He would have had to go through Planning & Zoning, and have a conditional use permit approved through the council.

Mr. Tameron said that was disclosed to him by Ms. Dalton. Mr. Gutierrez asked Mr. Tameron if there was full disclosure, both on the conditional use and the lien, and Mr. Tameron said yes. Attorney

Wencker said it would be best if Mr. Tameron stepped off the dais for the discussion. There was further general discussion. Ms. Pamela Rabago of Dalton Realty also discussed the line of credit.

Attorney Niven said as it stands is the town is the owner of the property. Mr. Gutierrez said the least line of resistance would be to send the 20-day notice. Attorney Niven said that would be his recommendation. The goal would be to get this done with a simple signature from Chase. Mr. Gutierrez said at this point if they don't get a simple signature, they pull back, take it down and make a parking lot. The mayor said his only concern is what if they went to the person who was granted the line of credit and ask her to sign it or assume the loan or do whatever she has to do. Attorney Niven said they had already done that. The mayor asked if it was now still a possibility. Attorney Niven said it could be. The mayor said he really didn't think they had the money to continue fighting it. There was further discussion, including a question as to whether money had changed hands and a response from Mr. Tameron that he had put earnest money on it. Sonnie Samson asked to speak and commented on full disclosure forms, asked the attorney to explain spot zoning, which is illegal, and whether they would want this house because of asbestos. Mr. Tameron said he had contacted Native Environmental to assess the asbestos, tear it down and clean it up, do everything according to the law. He is ready to move on it when this takes place. Mayor Valenzuela said he wants him to move on it. The only thing is if the \$10,000 could still fall back on Superior taxpayers. Attorney Niven said having the previous homeowner sign off on anything isn't going to be effective. They are still going to have to deal with the Chase lien. Mr. Aguilar said to go with the 20 days and see what happens.

MOTION: Council Member Gutierrez made a motion to move forward with 20-day notice to Chase Bank and then if they don't get a response back relinquishing that lien the attorneys should come back to the Council. Council Member Aguilar seconded.

There was a discussion of the time frame for a Quiet Title. The mayor also commented they could have avoided this if all parties had done their homework. Yes, they did do their homework but then someone is still going to be holding the bag again for another debt they can't incur right now. He will go along with the motion to send the notice to Chase Bank and then they'll move forward from there. Council Member Peralta asked if in order to send that notice, they have to be applying for the Quiet Title. Attorney Niven said it is a notice before they file. He asked if council meant for him to file for the Quiet Title after 20 days or come back. They said come back.

VOTE: The motion carried unanimously. Council Member Tameron returned to his seat on the dais.

4. Discuss/Approve/Reject: Payment of a \$112 judgment with the Supreme Court and transfer of the nursing home lien to the adjacent property (still owned by Ms. Gonzales) for 679 W. Main Street to clear the title and continue with the sale

Ms. Wentzel updated the council on this property, which was obtained in a utility lien and gave a little bit of history. Ms. Rabago said it was her understanding that it had been a quit claim, which wiped the slate clean on two properties in order to get this one. Ms. Rabago said the legal didn't look right so they had to get a survey and found out that the first quit claim deed they got did not encumber the entire property. She went back and talked to their attorney and he quit claimed the rest of it so they had a full property to sell. She had talked to the person that held the lien who felt it was possible to transfer that lien to the other property. In response to questioning she explained there were two properties in that one location. There was further general discussion on the sale of properties, including comments from Chief Digirolamo. Mr. Tameron asked if both 85 N. High School Avenue and 679 West Main Street were listed for executive session. (*See Executive Session, Item I-3 A-7*)

MOTION: Vice Mayor Lopez moved to go forward on the judgment but give direction for staff to contact the nursing home as far as the lien is concerned. Council Member Tameron seconded. **VOTE:** The motion carried unanimously. (*Council Member Gutierrez was no longer present at the meeting.*)

5. Discuss/Approve/Reject: Renewing sales agreement with Dalton Realty for sale of Lot 3, consisting of 9.5 acres at the Industrial Park.

Ms. Wentzel explained the item and the recommendation. Vice Mayor Lopez asked how long they had the contract. Ms. Wentzel said it was more than a year. Ms. Lopez asked about wording that said the realtor would aggressively market the property. She asked Ms. Rabago if she had been the realtor all that time. Ms. Rabago explained how she listed it and that it was on her website but she had not received any hits. There was further discussion. Mr. Tameron asked about the utility easement. Ms. Wentzel said it was for Arizona Water and Southwest Gas and runs approximately 10 feet from the road. Ms. Rabago commented that someone had looked at the property but it would have cost too much to bring electrical. There were not a lot of people looking for commercial properties.

MOTION: Council Member Peralta moved that they not renew with Dalton Realty for this property. Council Member Tomerlin seconded. **VOTE:** The motion carried unanimously.

6. Discuss/Approve/Reject: Entering into a Contractual Agreement with Rita M. Wentzel as Interim Town Clerk to serve until the position is posted and filled, with a salary commensurate to the duties and responsibilities prescribed by the Town Code and Arizona Revised Statutes.

Ms. Wentzel presented the recommendation that the town and she enter into a contractual agreement for her to act as a contracted employee at a salary of \$50,000 annually. This would be commensurate with regular full-time employment working a minimum 40-hour a week. She said she was a Superior resident and had been there 20 years. She was previously employed between 2000-2005 as the town clerk and finance director. At the time of that employment she was a salaried employee earning approximately \$48,000 a year with benefits. There would be no benefits this time. As required by the law they should post the position and let people apply for the job.

MOTION: Council Member Tameron moved to enter into a contractual agreement with Ms. Rita M. Wentzel as an interim town clerk at the salary specified in the recommendation of \$50,000 annual and for the attorney/town to draw it up. Council Member Peralta seconded. The motion carried unanimously.

7. Discuss/Approve/Reject: Adding Interim Town Clerk Rita M. Wentzel as a signer on the Bank of the West and Chase checking accounts

MOTION: Vice Mayor Lopez moved to include adding Interim Town Clerk Rita M. Wentzel as a signer on the Bank of the West and Chase checking accounts. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously.

I. EXECUTIVE SESSION

The Town Council may or may not vote to go into Executive Session pursuant to ARS38-431.03 (A-1) (A-3) & (A-7)

1. A-1—PERSONNEL: Salary Considerations for Interim Town Clerk

There was no executive session on this item.

2. A-3—LEGAL ADVICE WITH ATTORNEY: Terminated Council Member/Employee insurance payments. *(This item was addressed following Item I-3 A-7.)*

MOTION: Council Member Tomerlin made a motion to move into executive session on Item I-1, A-3 (LEGAL ADVICE WITH ATTORNEY), pertaining to Item I-2, A-3 Terminated Council Member/Employee

insurance payments. Council Member Peralta seconded. **VOTE:** The motion carried unanimously. Council moved to executive session at 9:55 p.m. and returned to open session at 10:15 p.m.

3. A-7—LEGAL ADVICE WITH ATTORNEY: REGARDING SALE, LEASE OR PURCHASE OF REAL PROPERTY: Consideration for sale of 85 N. High School Avenue and 679 West Main Street and Lot #3 Industrial Park. *(This item was addressed before Item I-2 A-3.)*

There was no executive session on Lot #3 Industrial Park.

MOTION: Council Member Tameron made a motion to move into executive session on Item I-3, A-7 (LEGAL ADVICE WITH ATTORNEY: REGARDING SALE, LEASE OR PURCHASE OF REAL PROPERTY), consideration for sale of 85 N. High School Avenue, 679 W. Main Street. Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously. Council moved to executive session at 9:10 p.m. and returned to open session at 9:40 p.m.

J. COUNCIL COMMENTS

Council Member Peralta: No comment.

Council Member Aguilar: Acknowledged a newspaper article about Superior.

Council Member Tomerlin: No comment.

Council Member Tameron: Went to IDA meeting in Florence. They made a motion and it passed to join the economic development for Superior with scholarships or grant money.

Vice Mayor Lopez: Told Ms. Wentzel she is doing a good job. Keep up the good work and it is appreciated.

Mayor Valenzuela: No comment.

K. ADJOURNMENT

MOTION: Council Member Tomerlin moved to adjourn. Council Member Peralta seconded. **VOTE:** The motion carried unanimously. Mayor Valenzuela adjourned the meeting at 10:25 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the Town Council of the Town of Superior held on the 2nd day of February 2012. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

Rita M. Wentzel, Interim Town Clerk

These minutes were compiled and transcribed by Cindy Tracy, an independent contractor. Final editing of these minutes and their content is completed and verified by Town of Superior staff members.